

IC 9-25-6

Chapter 6. Suspension of Driving Privileges and Vehicle Registrations

IC 9-25-6-1

Certificate of compliance received from person identified in accident report

Sec. 1. (a) If:

- (1) the bureau receives a certificate of compliance from a person identified under IC 9-25-5-2 within forty (40) days after the date on which the bureau mailed the request for evidence of financial responsibility to the person; and
- (2) the certificate of compliance indicates that financial responsibility was in effect with respect to the vehicle at the time of the accident described in the accident report;

the bureau may not suspend the person's current driving license.

(b) If:

- (1) the bureau receives a certificate of compliance from a person presented with a request for evidence of financial responsibility under IC 9-25-9-1 within forty (40) days after the date on which the person was presented with the request; and
- (2) the certificate of compliance indicates that financial responsibility was in effect with respect to the motor vehicle that the person was operating when the person committed the violation described in the judgment or abstract received by the bureau under IC 9-25-9-1;

the bureau may not suspend the person's current driving license.

As added by P.L.2-1991, SEC.13. Amended by P.L.59-1994, SEC.5.

IC 9-25-6-2

Certificate of compliance received from person identified in accident report; false statements

Sec. 2. (a) If the bureau finds that a statement as to the existence of financial responsibility in a certificate of compliance received from:

- (1) a person identified under IC 9-25-5-2; or
- (2) a person presented with a request for evidence of financial responsibility under IC 9-25-9-1;

is materially false, the bureau shall take action under subsection (b).

(b) Upon finding that the statement referred to in subsection (a) is false, the bureau shall do the following:

- (1) Immediately suspend the person's current driving license or vehicle registration, or both.
- (2) Demand that the person immediately surrender the person's current driving license or vehicle registration, or both, to the bureau.

As added by P.L.2-1991, SEC.13. Amended by P.L.59-1994, SEC.6.

IC 9-25-6-3

Certificate of compliance not received from person identified in

accident report; receipt of certificate not indicating financial responsibility in effect; suspension of license; exceptions

Sec. 3. (a) If the bureau:

- (1) does not receive a certificate of compliance from a person identified under IC 9-25-5-2 within forty (40) days after the date on which the bureau mailed the request for evidence of financial responsibility to the person; or
- (2) receives a certificate that does not indicate that financial responsibility was in effect with respect to the motor vehicle operated by the person on the date of the accident referred to in IC 9-25-5-2;

the bureau shall take action under subsection (c).

(b) If the bureau:

- (1) does not receive a certificate of compliance from a person presented with a request for evidence of financial responsibility under IC 9-25-9-1 within forty (40) days after the date on which the person was presented with the request; or
- (2) receives a certificate that does not indicate that financial responsibility was in effect with respect to the motor vehicle that the person was operating when the person committed the violation described in the judgment or abstract received by the bureau under IC 9-25-9-1;

the bureau shall take action under subsection (c).

(c) Under the conditions set forth in subsection (a) or (b), the bureau shall do the following:

- (1) Immediately suspend the person's current driving license or vehicle registration, or both.
- (2) Demand that the person immediately surrender the person's current driving license or vehicle registration, or both, to the bureau.

(d) Except as provided in subsection (e), if subsection (a) or (b) applies to a person, the bureau shall suspend the current driving license of the person irrespective of the following:

- (1) The sale or other disposition of the motor vehicle by the owner.
- (2) The cancellation or expiration of the registration of the motor vehicle.
- (3) An assertion by the person that the person did not own the motor vehicle and therefore had no control over whether financial responsibility was in effect with respect to the motor vehicle.

(e) The bureau shall not suspend the current driving license of a person to which subsection (a) or subsection (b) applies if the person, through a certificate of compliance or another communication with the bureau, establishes to the satisfaction of the bureau that the motor vehicle that the person was operating when the accident referred to in subsection (a) took place or when the violation referred to in subsection (b) was committed was:

- (1) rented from a rental company; or
- (2) owned by the person's employer and operated by the person

in the normal course of the person's employment.
*As added by P.L.2-1991, SEC.13. Amended by P.L.59-1994, SEC.7;
P.L.268-2003, SEC.31.*

IC 9-25-6-3.5

Multiple violation; suspension of license or registration

Sec. 3.5. If a person violates:

- (1) IC 9-25-4;
- (2) IC 9-25-5; or
- (3) section 2 or 3 of this chapter;

more than one (1) time within a three (3) year period, the person's driving license or vehicle registration may be suspended for not more than one (1) year.

As added by P.L.105-1991, SEC.2.

IC 9-25-6-4

Failure to satisfy judgment; suspension of license; application of section

Sec. 4. (a) This section does not apply to judgments entered at least seven (7) years after the date of the accident.

(b) "Judgment", as used in this section, means a judgment in excess of two hundred dollars (\$200) for bodily injury, death, or property damages arising out of the use of a motor vehicle upon a public highway.

(c) The bureau shall suspend for a period of not more than seven (7) years from the date of written notification the current driving license issued to a person upon receiving a verified report that the person has failed for a period of up to ninety (90) days to satisfy a judgment.

As added by P.L.2-1991, SEC.13.

IC 9-25-6-5

Conditions for satisfaction of judgment

Sec. 5. (a) A judgment referred to in this chapter is considered satisfied only when the following conditions are fulfilled as appropriate:

- (1) Subject to the limit in subdivision (2), twenty-five thousand dollars (\$25,000) has been credited upon a judgment rendered in excess of that amount because of bodily injury to or death of one (1) person as the result of one (1) accident.
- (2) Fifty thousand dollars (\$50,000) has been credited upon a judgment rendered in excess of that amount because of bodily injury to or death of two (2) or more persons as the result of any one (1) accident.
- (3) Ten thousand dollars (\$10,000) has been credited upon a judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one (1) accident.
- (4) The judgment is satisfied by payment accepted by the judgment creditor in full satisfaction of all claims arising from

bodily injury, death, or property damage arising from the motor vehicle accident involved in the judgment.

(b) A payment made in settlement of a claim because of bodily injury, death, or property damage arising from a motor vehicle accident shall be credited in reduction of the amounts provided for in this section.

As added by P.L.2-1991, SEC.13.

IC 9-25-6-6

Payment of judgment in installments; failure to pay installment; allowing license and registration to judgment debtor on consent of judgment creditor

Sec. 6. (a) The bureau may not suspend a license and shall reinstate a license suspended following nonpayment of a judgment whenever a judgment debtor does the following:

(1) Gives proof of the judgment debtor's financial responsibility in the future.

(2) Obtains an order from the trial court in which the judgment was rendered permitting the payment of the judgment in installments, unless the payment of an installment is in default.

(b) A judgment debtor, upon five (5) days notice to the judgment creditor, may apply to the trial court in which the judgment was obtained for the privilege of paying the judgment in installments. The court, in the court's discretion and without prejudice to other legal remedies the judgment creditor may have, may order the payment of the judgment in installments, fixing the amounts and times of payment of the installments.

(c) Except as provided in subsection (d), if the judgment debtor fails to pay an installment as permitted by the order of the court, upon notice of the default the bureau shall suspend the license of the judgment debtor. The bureau may not take action for failure to make installment payments for judgments entered at least seven (7) years after the date of the accident. A suspended license may not be reinstated until evidence of proof of financial responsibility is presented.

(d) Notwithstanding a default by the judgment debtor in the payment of a judgment or the payment of an installment under subsection (b), whenever the judgment creditor consents in writing, in the form the bureau prescribes, that the judgment debtor be allowed license and registration, the license and registration may be allowed by the bureau at the bureau's discretion. The license and registration may be allowed for six (6) months from the date of a consent under this subsection and may be renewed until the consent is revoked in writing if the judgment debtor furnishes proof under this article of the judgment debtor's financial responsibility in the future.

As added by P.L.2-1991, SEC.13.

IC 9-25-6-7

Duration of suspension for failure to satisfy judgment; discharge

in bankruptcy

Sec. 7. (a) Except as provided in sections 5 and 6 of this chapter, a suspension required in sections 4 and 6 of this chapter remains in effect and no other motor vehicle may be registered in the name of the judgment debtor or a new license issued to the judgment debtor, until the following occur:

(1) The judgment is satisfied or stayed.

(2) The judgment debtor gives proof of financial responsibility in the future as provided in this article.

(b) A discharge in bankruptcy following the rendering of a judgment does not relieve the judgment debtor from the requirements of this chapter.

As added by P.L.2-1991, SEC.13.

IC 9-25-6-8

Motor vehicle convictions; court recommendations as to license suspensions; form of abstract of record of conviction

Sec. 8. (a) A court shall forward to the bureau a certified abstract of the record of the conviction of a person in the court for a violation of a law relating to motor vehicles.

(b) If in the opinion of the court a defendant should be deprived of the privilege to operate a motor vehicle upon a public highway, the court shall recommend the suspension of the convicted person's current driving license for a fixed period established by the court not exceeding one (1) year.

(c) The bureau shall comply with the court's recommendation.

(d) At the time of a conviction referred to in subsection (a) or IC 9-30-5-7, the court may obtain the defendant's current driving license and return the license to the department.

(e) An abstract provided for by this section must be in the form prescribed by the bureau and, when certified, shall be accepted by an administrative agency or a court as prima facie evidence of the conviction and all other action stated in the abstract.

As added by P.L.2-1991, SEC.13.

IC 9-25-6-9

Certified abstract of record of judgment for damages

Sec. 9. The clerk of a court, or the judge of a court that has no clerk, shall forward to the bureau a certified abstract of the record of a judgment for damages if the rendering and nonpayment of the judgment requires the bureau to suspend or revoke the current driving license in the name of the judgment debtor under this article. The abstract shall be forwarded to the bureau immediately upon the expiration of thirty (30) days after the judgment becomes final and has not been stayed or satisfied, as shown by the records of the court.

As added by P.L.2-1991, SEC.13.

IC 9-25-6-10

Driving while intoxicated; deferral of prosecution for rehabilitation or participation by child in alcohol and drug services

program; abstract of program enrollment

Sec. 10. (a) If:

(1) a criminal proceeding for driving while intoxicated under IC 9-30-5 is deferred under IC 12-23-5-1 through IC 12-23-5-9;
or

(2) a child alleged to be a delinquent child based upon the child's violation of IC 9-30-5 voluntarily attends or is ordered by the court under IC 31-37 (or IC 31-6-4 before its repeal) to attend an alcohol and drug services program;

the court, within ten (10) days after the defendant or child begins the program, shall forward to the bureau a certified abstract of program enrollment.

(b) The abstract must state the following:

(1) The defendant's or child's name, address, date of birth, and driver's license number.

(2) The name and location of the alcohol and drug services program that the defendant or child is attending.

As added by P.L.2-1991, SEC.13. Amended by P.L.2-1992, SEC.89; P.L.1-1997, SEC.42.

IC 9-25-6-11

Acceptance of certificate of insurance after license revoked because of conviction

Sec. 11. If a license is revoked because of a conviction, the bureau may not accept a certificate of insurance unless the certificate covers each motor vehicle registered in the name of the person furnishing proof as the owner. An additional certificate is required before the subsequent registration of a motor vehicle in the name of the person giving proof as the owner.

As added by P.L.2-1991, SEC.13.

IC 9-25-6-12

Certificate of insurance indicating insured not covered when operating vehicle not owned by insured; restriction on license; removal of restriction

Sec. 12. (a) Whenever a certificate is filed showing that a policy has been issued covering all motor vehicles owned by an insured but not insuring the person when operating a motor vehicle not owned by the person, it is unlawful for the person to operate a motor vehicle not owned by the person or not covered by the certificate. The bureau shall designate the restriction under this subsection upon the operator's or chauffeur's license of the person.

(b) If a person who owns a motor vehicle desires to be relieved of the restriction under subsection (a) and be permitted to drive another motor vehicle, the person who owns the motor vehicle may have the restriction removed upon filing a certificate showing that an operator's policy of liability insurance has been issued to the person.

As added by P.L.2-1991, SEC.13.

IC 9-25-6-13

Nonresidents; ownership or operation of vehicles; compliance with article

Sec. 13. A:

- (1) nonresident may not operate a motor vehicle in Indiana; and
- (2) motor vehicle owned by the nonresident may not be operated in Indiana;

until the nonresident or the owner of the motor vehicle has complied with the requirements of this article with respect to proof of financial responsibility covering the motor vehicle.

As added by P.L.2-1991, SEC.13.

IC 9-25-6-14

Reinstatement of license and registration

Sec. 14. (a) The bureau shall reinstate the current driving license or vehicle registration, or both:

- (1) subject to section 15 of this chapter, after ninety (90) days of suspension:

- (A) except as provided in sections 19, 20, and 21(b) of this chapter, if the person has furnished the bureau with a certificate of compliance showing that financial responsibility is in effect with respect to the vehicle; or

- (B) if the person is no longer an owner of the vehicle or the registration of the vehicle has been canceled or has expired;

- (2) if the person is subject to section 21(b) of this chapter and to IC 9-29-13-1, after thirty (30) days of suspension;

- (3) subject to section 15 of this chapter, when the person furnishes the bureau with a certificate of compliance showing that financial responsibility is in effect with respect to the vehicle if:

- (A) subdivision (1)(B) does not apply; and

- (B) the person fails to furnish the bureau with a certificate of compliance as described in subdivision (1)(A) within ninety (90) days after the current driving license of the person is suspended; or

- (4) if financial responsibility was in effect with respect to a vehicle on the date of the accident but the person does not provide the bureau with a certificate of compliance indicating this fact until after the person's current driving license is suspended under this chapter, the person's current driving license shall be reinstated when the person provides the certificate of compliance to the bureau and complies with section 15 of this chapter.

(b) Upon receipt of a certificate of compliance under this section, the bureau shall expunge from the bureau's data base the administrative suspension caused by the failure to notify the bureau that the person had financial responsibility in effect on the date of the violation.

As added by P.L.2-1991, SEC.13. Amended by P.L.105-1991, SEC.3; P.L.1-1992, SEC.57; P.L.94-1997, SEC.4; P.L.117-2001, SEC.2.

IC 9-25-6-15

License reinstatement fee

Sec. 15. A person:

(1) whose current driving license is suspended under this chapter; and

(2) who seeks the reinstatement of the driving license;

must pay a reinstatement fee to the bureau as provided in IC 9-29-10-1.

As added by P.L.2-1991, SEC.13.

IC 9-25-6-16

Review of driving license suspension

Sec. 16. A person whose current driving license is suspended under this chapter may seek a review of the suspension under IC 4-21.5-3-7.

As added by P.L.2-1991, SEC.13.

IC 9-25-6-17

Proof of future financial responsibility given on behalf of employees or family members

Sec. 17. If the bureau determines that a person who is required to give proof of financial responsibility in the future under this article because of a conviction, non-satisfaction of a judgment, or for any other reason is or becomes:

(1) a chauffeur or motor vehicle operator, however designated, in the employ of a person who owns a motor vehicle; or

(2) a member of the immediate family or household of a person who owns a motor vehicle; and

the period for which the person's suspension or revocation has elapsed, the bureau may accept proof of future financial responsibility given by the person who owns the motor vehicle instead of requiring proof from the person under a suspension or revocation if it appears that the proof offered will be sufficient to cover any number of persons coming within this classification. The bureau may designate the restrictions imposed by this section on the face of the operator's or chauffeur's license of the person who has been under suspension or revocation.

As added by P.L.2-1991, SEC.13.

IC 9-25-6-18

Forging or signing without authority; certificate serving as proof of financial responsibility; filing or offering for filing; classification of violation

Sec. 18. A person who:

(1) forges or without authority signs any certificate to serve as proof of financial responsibility as required by the bureau; or

(2) knowingly files or offers for filing a certificate described in subdivision (1);

commits a Class B misdemeanor.

As added by P.L.2-1991, SEC.13.

IC 9-25-6-19

Suspension of driving privileges under IC 31-14-12-4 or IC 31-16-12-7; notice; reinstatement

Sec. 19. (a) The bureau shall, upon receiving an order of a court issued under IC 31-14-12-4 or IC 31-16-12-7 (or IC 31-1-11.5-13(j) or IC 31-6-6.1-16(j) before their repeal), suspend the driving license or permit of the person who is the subject of the order.

(b) The bureau may not reinstate a driving license or permit suspended under this section until the bureau receives an order allowing reinstatement from the court that issued the order for suspension.

(c) Upon receiving an order for suspension under subsection (a), the bureau shall promptly mail a notice to the last known address of the person who is the subject of the order, stating the following:

(1) That the person's driving privileges are suspended, beginning five (5) business days after the date the notice is mailed, and that the suspension will terminate ten (10) business days after the bureau receives an order allowing reinstatement from the court that issued the suspension order.

(2) That the person has the right to petition for reinstatement of driving privileges to the court that issued the order for suspension.

(3) That the person may be granted a restricted driving permit under IC 9-24-15-6.7 if the person can prove that public transportation is unavailable for travel by the person:

(A) to and from the person's regular place of employment;

(B) in the course of the person's regular employment;

(C) to and from the person's place of worship; or

(D) to participate in visitation with the petitioner's children consistent with a court order granting visitation.

(d) Unless a person whose driving license or permit is suspended under this section has been issued a restricted driving permit under IC 9-24-15 as a result of a suspension under this section, a person who operates a motor vehicle in violation of the section commits a Class A infraction.

As added by P.L.133-1995, SEC.5. Amended by P.L.1-1997, SEC.43.

IC 9-25-6-19.2

False evidence of financial responsibility

Sec. 19.2. The bureau may suspend the registration of a vehicle owned by a registrant who provides the bureau with false evidence of financial responsibility under this article.

As added by P.L.125-1995, SEC.10.

IC 9-25-6-20

Notice of suspension of driving privileges for delinquent child support; reinstatement

Sec. 20. (a) If the bureau is advised by the Title IV-D agency that the obligor (as defined in IC 12-17-2-2.5) either requested a hearing under IC 12-17-2-35 and failed to appear or appeared and was found

to be delinquent, the bureau shall promptly mail a notice to the obligor stating the following:

(1) That the obligor's driving privileges are suspended, beginning twenty (20) business days after the date the notice is mailed, and that the suspension will terminate after the bureau receives a notice from the Title IV-D agency that the obligor has:

- (A) paid the obligor's child support arrearage in full; or
- (B) established a payment plan with the Title IV-D agency to pay the arrearage and requested the activation of an income withholding order under IC 31-16-15-2.

(2) Explains that the obligor may be granted a restricted driving permit under IC 9-24-15-6.7 if the obligor can prove that public transportation is unavailable for travel by the obligor:

- (A) to and from the obligor's regular place of employment;
- (B) in the course of the obligor's regular employment;
- (C) to and from the obligor's place of worship; or
- (D) to participate in visitation with the petitioner's children consistent with a court order granting visitation.

(b) The bureau may not reinstate a driving license or permit suspended under this section until the bureau receives a notice from the Title IV-D agency that the obligor has:

- (1) paid the obligor's child support arrearage in full; or
- (2) established a payment plan with the Title IV-D agency to pay the arrearage and requested the activation of an income withholding order under IC 31-16-15-2.

(c) Unless an obligor whose driving license or permit is suspended under this section has been issued a restricted driving permit under IC 9-24-15 as a result of a suspension under this section, an obligor who operates a motor vehicle in violation of the section commits a Class A infraction.

As added by P.L.133-1995, SEC.6. Amended by P.L.1-1997, SEC.44; P.L.86-2002, SEC.1.

IC 9-25-6-21

Suspension of driving privileges after fuel theft conviction

Sec. 21. (a) Upon receiving an order issued by a court under IC 35-43-4-8(b) concerning a person convicted of fuel theft, the bureau shall do the following:

(1) Suspend under subsection (b) the driving privileges of the person who is the subject of the order, whether or not the person's current driving license accompanies the order.

(2) Mail to the last known address of the person who is the subject of the order a notice:

- (A) stating that the person's driving license is being suspended for fuel theft;
- (B) setting forth the date on which the suspension takes effect and the date on which the suspension terminates; and
- (C) stating that the person may be granted a restricted driving permit under IC 9-24-15-6.7 if the person meets the

conditions for obtaining a restricted driving permit.

(b) The suspension of the driving privileges of a person who is the subject of an order issued under IC 35-43-4-8(b):

(1) begins five (5) business days after the date on which the bureau mails the notice to the person under subsection (a)(2);
and

(2) terminates thirty (30) days after the suspension begins.

(c) A person who operates a motor vehicle during a suspension of the person's driving privileges under this section commits a Class A infraction unless the person's operation of the motor vehicle is authorized by a restricted driving permit issued to the person under IC 9-24-15-6.7.

As added by P.L.117-2001, SEC.3.